

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C. 20436

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In the Matter of	)	
	)	
CERTAIN TOOTHBRUSHES	)	Investigation No. 337-TA-391
AND THE PACKAGING THEREOF	)	
_____	)	

**LIMITED EXCLUSION ORDER**

The Commission has determined that there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337), as amended, in the unlawful importation and sale of certain toothbrushes covered by the claim of U.S. Letters Patent Des. 328,392.

Having reviewed the record in this investigation, including the written submissions of the parties, the Commission has made its determination on the issues of remedy, the public interest, and bonding. The Commission has determined that the appropriate form of relief is a limited exclusion order prohibiting the unlicensed entry for consumption of infringing toothbrushes. The Commission has also determined that the public interest factors enumerated in subsection 337(d) (19 U.S.C. § 1337(d)) do not preclude issuance of the limited exclusion order, and that the bond during the Presidential review period shall be in the amount of one hundred (100) percent of the entered value of the imported toothbrushes.

Accordingly, the Commission hereby ORDERS that --

1. Toothbrushes covered by the claim of U.S. Letters Patent Des. 328,392 that are manufactured abroad by Shumei Industrial Co., Ltd. of Shenzhen, China, Shummi Enterprise Co., Ltd. of Taipei, Taiwan, or Giftline International Corporation of Taipei, Taiwan, or any of their

affiliated companies, parents, subsidiaries, contractors, or other related business entities, or their successors or assigns, are excluded from entry for consumption into the United States for the remaining term of that patent, *i.e.*, until August 4, 2006, except under license of the patent owner or as provided by law.

2. The toothbrushes that are subject to this Order are entitled to entry for consumption into the United States under bond in the amount of one hundred (100) percent of their entered value, pursuant to subsection 3370) (19 U.S.C. § 13370)), from the day after this Order is received by the President until such time as the President notifies the Commission that he approves or disapproves this action but, in any event, not later than sixty (60) days after the receipt of this action.

3. In accordance with subsection 337(l) (19 U.S.C. § 1337(l)), the provisions of this Order shall not apply to toothbrushes that are imported by and for the use of the United States, or imported for, and to be used for, the United States with the authorization or consent of the Government.

4. The Commission may modify this Order in accordance with the procedures described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

5. The Secretary shall serve copies of this Order upon each party of record in investigation and upon the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and the U.S. Customs Service.

6. Notice of this Order shall be published in the *Federal Register*. 2

By Order of the Commission.

Donna R. Koehnke  
Secretary

Issued: **October 15, 1997**

